

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.JLBR 900a-1(b)	
Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202, Lobby B Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Aleisha C. Jennings, Esq. (049302015)	CASE NO.: 22-12269-MBK CHAPTER 13 Objection to Confirmation of Debtor's Modified Chapter 13 Plan
In Re: Adelina Fairman, Debtor.	

OBJECTION TO CONFIRMATION OF DEBTOR'S MODIFIED CHAPTER 13 PLAN

DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE FOR AMERICAN HOME MORTGAGE INVESTMENT TRUST 2005-2 ("Secured Creditor"), by and through its undersigned counsel, objects to confirmation of Debtor's Modified Chapter 13 Plan (DE # 43), and states as follows:

1. Debtor, Adelina Fairman ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on March 22, 2022.
2. Secured Creditor holds a security interest in the Debtor's real property located at 448 Main St, Lumberton, NJ 08048, by virtue of a Mortgage recorded on June 15, 2005 in Book 10394, at Page 966 of the Public Records of Burlington County, NJ. Said Mortgage secures a Note in the amount of \$209,600.00.
3. The Debtor filed a Modified Chapter 13 Plan on December 22, 2022.
4. The Modified Plan proposes to cure Secured Creditors claim through sale of the subject property. Debtor's modified Plan appears to be speculative as it is silent as to what efforts have been undertaken to sell the property. There are no filings on the case docket with respect to an application of sale nor has the property been listed for sale since the bankruptcy was filed on March 22, 2022. The Plan is also silent as to an alternative treatment in the event that a sale is not consummated.

5. Furthermore, the Debtor has failed to provide an appraisal to demonstrate that the alleged sale of the property will exceed the aggregate of liens encumbering the subject property. Debtor is obligated to fund a Plan which is feasible to cure the arrears due to the objecting creditor within a reasonable time pursuant to 11 U.S.C § 1322(b)(5). Therefore, in the event that any sale of subject property efforts are not successful, the plan fails to satisfy the confirmation requirements of 11 U.S.C § 1325(a)(1).
6. The Modified Plan does not appear feasible due to inadequate treatment of Secured Creditor's claim. Thus, the plan violates the provisions of 11 U.S.C. § 1325(a)(3) and cannot be confirmed.

WHEREFORE, Secured Creditor respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Plan, and for such other and further relief as the Court may deem just and proper.

Robertson, Anschutz, Schneid, Crane & Partners,
PLLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202, Lobby B
Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Aleisha C. Jennings
Aleisha C. Jennings, Esquire
NJ Bar Number 049302015
Email: ajennings@raslg.com

UNITED STATES BANKRUPTCY COURT DISTRICT OF NEW JERSEY Caption in Compliance with D.N.JLBR 900a-1(b)	
Robertson, Anschutz, Schneid, Crane & Partners, PLLC 130 Clinton Road, Suite 202, Lobby B Fairfield, NJ 07004 Telephone Number 973-575-0707 Attorneys For Secured Creditor Aleisha C. Jennings, Esq. (049302015)	CASE NO.: 22-12269-MBK CHAPTER 13 Objection to Confirmation of Debtor's Modified Chapter 13 Plan
In Re: Adelina Fairman, Debtor.	

CERTIFICATION OF SERVICE

1. I, Aleisha C. Jennings, represent DEUTSCHE BANK NATIONAL TRUST COMPANY, AS INDENTURE TRUSTEE FOR AMERICAN HOME MORTGAGE INVESTMENT TRUST 2005-2 in this matter.
2. On January 16, 2023, I caused a copy of the following pleadings and/or documents to be sent to the parties listed in the chart below:

OBJECTION TO CONFIRMATION OF DEBTOR'S MODIFIED CHAPTER 13 PLAN

3. I certify under penalty of perjury that the above documents were sent using the mode of service indicated.

1/ 16 /2023

Robertson, Anschutz, Schneid, Crane & Partners,
PLLC
Attorney for Secured Creditor
130 Clinton Road, Suite 202, Lobby B
Fairfield, NJ 07004
Telephone Number 973-575-0707

By: /s/Aleisha C. Jennings

Aleisha C. Jennings, Esquire
NJ Bar Number 049302015
Email: ajennings@raslg.com

<u>Name and Address of Party Served</u>	<u>Relationship of Party to the Case</u>	<u>Mode of Service</u>
Lee M. Perlman 1926 Greentree Road, Suite 100 Cherry Hill, NJ 08003	Attorney for Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Adelina Fairman 431 Carranza Rd Vincentown, NJ 08088	Debtor	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
Albert Russo Standing Chapter 13 Trustee CN 4853 Trenton, NJ 08650-4853	Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)
U.S. Trustee US Dept of Justice Office of the US Trustee One Newark Center Ste 2100 Newark, NJ 07102	U.S. Trustee	<input type="checkbox"/> Hand-delivered <input checked="" type="checkbox"/> Regular mail <input type="checkbox"/> Certified Mail/RR <input type="checkbox"/> E-mail <input checked="" type="checkbox"/> Notice of Electronic Filing (NEF) <input type="checkbox"/> Other (as authorized by the court*)